IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

Crl.MC.No. 215 of 2007()

LPC.29/1999 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR
CRIME NO.67/1995 OF KANNUR TOWN POLICE STATION

.....

PETITIONER/2ND ACCUSED:

P.P.MAHROOF,
AGED 35 YEARS, S/O.MOOSAN,
RESIDING AT P.P.HOUSE, KUNHIPALLI,
P.O.KOOTTALI, KANNUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

S.H.O.KANNUR TOWN POLICE STATION,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.LATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.215 of 2007

Dated this the 25th day of January 2007

O R D E R

The petitioner was the second accused in Crime No.67/1995 of Kannur Town Police Station registered interalia under Section 324 read with 149 I.P.C. All the co-accused have already been tried and acquitted but as the petitioner was not available, the case against him was split up and the same is now pending in the list of long pending cases No.29/99. Coercive processes have been issued against the petitioner by the learned Magistrate. The petitioner finds himself in the unenviable predicament of such processes chasing him. He has come to this court with the prayer that the learned Magistrate may be directed under Section 482 Cr.P.C to release him on bail on the date of his surrender itself. According to the petitioner, the petitioner has sufficient and satisfactory reasons to explain why he could not earlier appear before the learned Magistrate. He further points out that all the offences alleged are bailable only.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the

circumstances under which he could not earlier appear before the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate wound not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

5. Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006